

Hearing Date: April 28, 2021 at 9:30AM (Atlantic Standard Time)  
Response Deadline: April 14, 2021 at 4:00PM (Atlantic Standard Time)

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO  
RICO,

as representative of

THE COMMONWEALTH OF PUERTO  
RICO, *et al.*  
Debtors.<sup>1</sup>

PROMESA  
Title III

NO. 17-BK-3283 (LTS)

(Jointly Administered)

**RESPONSE AND RESERVATION OF RIGHTS IN CONNECTION WITH TWO  
HUNDRED NINETY-EIGHTH OMNIBUS OBJECTION (NON-SUBSTANTIVE) OF  
THE COMMONWEALTH OF PUERTO RICO  
TO SUBSEQUENTLY AMENDED CLAIMS**

**TO THE HONORABLE COURT:**

**COMES NOW** creditor Baxter Sales and Distribution Puerto Rico Corp. (“Baxter Sales”), through the undersigned counsel, and respectfully states and prays as follows:

1. On June 29, 2018 Baxter Sales filed a timely proof of claim (“POC”) against debtor the Commonwealth of Puerto Rico (the “Commonwealth”) in the amount of \$3,259,294.09. *See* POC No. 111825.

2. The amount claimed in POC No. 111825 was disbursed as follows:

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566- LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801).

<b>Debtor</b>	<b>Amount</b>
Department of Health	\$64,802.59
Hospital Pediátrico Universitario	\$1,316,453.05
Hospital Universitario de Adultos	\$103,137.84
Centro Médico de Río Piedras/Administración de Servicios Médicos	\$967,518.06
Hospital UPR Dr. Trilla	\$475,264.73
Hospital Reg. Bayamón	\$15,013.58
Centro Cardiovascular	\$190,140.09
Corp. Fondo del Seguro del Estado	\$126,964.15
<b>TOTAL:</b>	<b>\$3,259,294.09</b>

See, POC No. 111825, Exhibit A.

3. On December 3, 2020, counsel for the Financial Oversight and Management Board (“FOMB”), acting on behalf of the debtors in the case of caption represented to Baxter Sales that the following entities listed in the table above were **NOT** debtors in the consolidated Title III cases brought pursuant to the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), 48 U.S.C. §2101, *et seq.*:

- a. Centro Médico de Río Piedras/Administración de Servicios Médicos
- b. Hospital UPR Dr. Trilla
- c. Centro Cardiovascular

4. On the other hand, the Corp. Fondo del Seguro del Estado (“State Insurance Fund Corporation”) is a public corporation with its own judicial personality (just like the Puerto Rico Electric Power Authority for example), which has not filed for bankruptcy under Title III and does not appear in the attached list of entities that comprise the Central Government of the Commonwealth. See **Exhibit 1**.

5. In light of the foregoing, on January 21, 2021 Baxter Sales filed POC No. 179024 in order to amend POC No. 111825 and remove the claims against the non-debtor entities listed above.

6. As a result, POC No. 179024 reduced the amount claimed to **\$1,499,407.06**, which is disbursed as follows:

Debtor	Amount
Department of Health	\$64,802.59
Hospital Pediátrico Universitario	\$1,316,453.05
Hospital Universitario de Adultos	\$103,137.84
Hospital Reg. Bayamón	\$15,013.58
<b>TOTAL:</b>	<b>\$1,499,407.06</b>

See, POC No. 179024, Exhibit A.

7. On March 12, 2021 the Commonwealth and other debtors filed their two hundred ninety-eighth (298<sup>th</sup>), non-substantive, omnibus objection to subsequently amended claims. Docket No. 16018 (the “Objection”)

8. The purpose of this Objection is to disallow claims that have been superseded by a subsequent POC filed in the Title III cases. *Id.* at 5, ¶12. Should the Objection be granted, POC No. 111825 would be disallowed and POC No. 179024 would remain. See Docket No. 16018-1 at 2.

9. Baxter Sales does not have an objection to the disallowance of POC No. 111825 **as long as the Commonwealth, through the FOMB or otherwise, confirms to this Court that the entities listed in paragraph 3(a-c) of this response, *supra*, and the State Insurance Fund Corporation are indeed NOT debtors in any of the pending Title III cases.**

10. To the extent the representation made by the FOMB with regards to the entities listed in paragraph 3 (a-c), *supra*, turns out to be incorrect in full or in part, or the FOMB contends that the State Insurance Fund Corporation is a Title III debtor in the case of caption, Baxter Sales requests that the Court deny the disallowance of POC No. 111825 and grant Baxter Sales a period of fifteen (15) days to amend POC No. 111825 in order to reinstate any claims against any entities

incorrectly removed in POC No. 179024 as a result of the FOMB's representations, and that said amended claim remain as the operative claim for all purposes in the pending Title III cases.

**WHEREFORE**, Baxter Sales respectfully requests that, prior to resolving debtors' Objection, the Court (1) require the FOMB to confirm that the entities listed in paragraph 3 (a-c), *supra*, and the State Insurance Fund Corporation are not debtors in the pending Title III cases; and (2) to the extent the representation made by the FOMB with regards to the entities listed in paragraph 3 (a-c), *supra*, turns out to be incorrect in full or in part, or the FOMB contends that the State Insurance Fund Corporation is a Title III debtor in the case of caption, Baxter Sales requests that the Court deny the disallowance of POC No. 111825 and grant Baxter Sales a period of fifteen (15) days to amend POC No. 111825 in order to reinstate any claims against any entities incorrectly removed in POC No. 179024 as a result of the FOMB's representations, and that said amended claim remain as the operative claim for all purposes in the pending Title III cases

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 13<sup>th</sup> day of April, 2021.

**I HEREBY CERTIFY** that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to all counsel of record. I also hereby certify that the foregoing was served pursuant to the Fourteenth Amended Notice, Case Management and Administrative Procedures Order (Docket No. 15894).

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